

Habitats Regulations Assessment



Weston under Penyard Neighbourhood Area

Addendum

December 2015

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1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the proposed Main Modifications through the HRA process to the Weston under Penyard NDP. The NDP has now been through an Independent Examination by Christopher Collinson and within his report he has recommended a number of minor modifications to ensure the Plan meets the Basic conditions.
- 1.2 Herefordshire Council have accepted these modifications to the Plan, the NDP, therefore, has been updated to reflect the modifications suggested. In the main the changes were minor word alterations to ensure the Policies were in line with the Framework and also to add clarity for the decision makers. These modified policies have now been assessed as part of the HRA and the full results can be viewed in Appendix 1.
- 1.3 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Reports (May 2015 and July 2015).
- 1.3 The modifications are not considered to significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies.

2.0 Screening of proposed modifications to the NDP

- 2.1 Regulation 102 of the Habitats Regulations 2010 requires that a Screening Assessment be undertaken, in order to identify the 'likely significant effects' of an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Weston under Penyard NDP would be likely to have a significant effect on the River Wye SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Site SAC, all of which are in reasonably close proximity of the boundary of the Weston under Penyard neighbourhood area.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy, objective and site allocation individually, which is consistent with current guidance. The results from the HRA reports for the Pre-submission version of the Herefordshire Local Plan (Core Strategy) and the proposed Main Modifications were also taken into consideration.
- 2.4 None of the Weston under Penyard NDP objectives and policies (May 2015 and Addendum in July 2015) were concluded to be likely to have a significant effect on the three European sites. This conclusion is based on assumptions and information contained within the Weston under Penyard NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.
- 2.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development. In several cases the policies also included measures to help support the natural environment including biodiversity. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 With regard to site allocations, the possibility of there being likely significant effects was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP would, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Weston under Penyard NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.

2.8 Therefore it was concluded previously that the **Weston under Penyard NDP will not have a likely significant effect on the River Wye SAC; Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites SAC.**

2.9 The proposed amendments to the final NDP following the examination are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in May 2015. A summary of the main findings is provided below. The full findings can be found in Appendix 1 of this report.

3.0 Summary of main findings

3.1 The final NDP incorporates the modifications that examiner has recommended within the examiner's report. These changes are to ensure that the Plan meets the Basic Conditions. For full details on the modifications see Appendix 2 of this Addendum.

3.2 No new policies have been introduced into the Final NDP following the examination; however one policy has been deleted (Policy SD1).

3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Weston under Penyard NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the change of wording added to the Policies, and the deletion of criterion within Policies HS1, HS2, H2 and SE6 are not considered to affect the findings of the previous HRA report.

4.2 Therefore the earlier conclusion that the **Weston under Penyard NDP will not have a likely significant effect on the River Wye SAC; Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites SAC** remains valid.

5.0 Next steps

5.1 This Addendum Report will be published alongside the final Weston under Penyard NDP and the earlier HRA report and Addendum.

Appendix 1

Redrafted Policy	HRA Re-Screening Assessment of Emerging redrafted NDP policies				
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted policy implemented. Could they have LSE on European Sites?	European Sites potentially affected	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect?
Policy H1 Housing numbers.	Policy to support the delivery of market housing to meet housing needs in line with Local Plan (Core Strategy) Policy RA2.	Proportional growth. Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the European sites dependent on the location of non-allocated development, however the policy would result in small scale growth.	River Wye (including the River Lugg) SAC Wye Valley and Forest of Dean Bat Sites SAC Wye Valley Woodlands SAC	N/A	No. This policy conforms to Policy RA2 of the Local Plan (Core Strategy), and although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment, the latest version of the HRA underlying the Core Strategy (April 2015) confirms that the roll out of Policy RA2 across the rural areas should not lead to adverse effects on the integrity of the River Wye SAC, provided the mitigation measures set out in the NMP are implemented.
Site 1: Land east of Penyard Garden	The size of the development is 1.3ha; this would yield approx. 18 dwellings. Housing will lead to increase in noise and light pollution than exists at present;	Proportional growth. Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.	The Wye Valley and Forest of Dean Bat Sites SAC.	N/A	No, but note the loss of foraging space in the form of an open agricultural field on outskirts of existing village approx. 3.5kms from the SAC.
Site 2: Land east of Hunsdon Manor	The size of the development is approximately 4.09 hectares; this would yield approx 37 dwellings, due to constraints on a large part of the site. ;	Proportional growth. Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.	The Wye Valley and Forest of Dean Bat Sites.	N/A	No: the scale of development proposed would not give rise to likely significant effects, but note that development would result in the loss of foraging space in the form of an open agricultural field containing a small pond on outskirts of existing village approx. 3.5kms from the SAC.
Policy H2 Location of developments.	Inside the settlement boundary, small scale limited employment/residential development within existing curtilages. Also sets out the terms under which housing would be considered if to be	Uncertain as to the impacts upon the European sites and the River Wye SAC in particular, dependent on the location of development, however the policy would result in very small scale growth outside the settlement boundary.	River Wye (including the River Lugg) SAC Wye Valley and Forest of Dean Bat Sites SAC Wye Valley Woodlands SAC	N/A	No, this policy steers development towards the settlement boundary in accordance with both existing and emerging planning policy.

	located elsewhere.				
Policy H3 Housing mix and tenancy.	Support for measures to ensure appropriate provision of housing tenure and the terms under which such provision may be allowed to vary.	N/A	N/A	N/A	No. This policy will not produce any impacts upon the European sites.
Policy H5 Affordable housing.	Policy to support the delivery of affordable housing in line with Policy H1 of the Core Strategy.	Some small scale housing development. Housing, infrastructure development Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the European sites and the River Wye SAC in particular, dependent on the location of development, however the policy would result in very small scale growth outside the settlement boundary.	River Wye (including the River Lugg) SAC Wye Valley and Forest of Dean Bat Sites SAC Wye Valley Woodlands SAC	N/A	No, this policy would allow for small affordable housing schemes and supports Policy H1 of the Core Strategy. There are additional policy criteria in place in both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.
Policy SD2 Community facilities.	Measures to resist the loss of specific community assets.	N/A	N/A	N/A	No, as the policy merely seeks to avoid the change of use of specific premises, some of which may be nominated as Assets of Community Value.
Policy ST1 Accommodating traffic within the village.	Promoting measures to ensure that highways can cope with additional traffic and that transport service and facilities are kept up to date.	N/A	N/A	N/A	No. This policy will not lead to development; rather it seeks to ensure that development proposals do not exacerbate existing problems relating to highways and transport.
Policy SE2 Sustaining local heritage and character.	Policy requires all proposals concerning to demonstrate how they will conserve or enhance historic assets. This includes non-designated heritage assets.	N/A	N/A	N/A	No, as the policy merely seeks to ensure that greater checks and balances are placed on proposals that directly affect heritage assets.

Policy SE6 Sustainable water management	Seeks to reduce impacts of flooding within the parish.	N/A	N/A	N/A	No, the policy itself will not lead to development; instead it relates to the criteria used for permitting development in suitable locations. The policy is aiming to reduce development in flood risk areas thus reducing the impact on the water environment.
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Appendix 2

Policy	Modification recommended	Justification
Recommended Modification 1 Section 11	Transfer Section 11 'Neighbourhood Planning Projects' to a non-statutory annex to the Neighbourhood Plan	The project proposals do not form part of the NDP and as such will not be subject of a referendum. This modification will add clarity and accuracy to the NDP.
Recommended Modification 2 Policy H1	In Policy H1 delete "Plan"	Reduce the likelihood of confusion of the plan period and to aid clarity.
Recommended Modification 3 Policy HS1	In Policy HS1 <ul style="list-style-type: none"> • In the heading delete "Max" insert "Approximate"; and delete "houses" insert "dwellings"; and delete "7" after "Affordable homes" • Insert "approximately" before "18" • In a) delete "all with Tree Preservation Orders in place prior to tree planting" • In d) after "play areas" insert "to a stated recognised standard of provision" • Delete part i) 	The modification provides greater clarity and consistency with NPPF and will achieve the necessary flexibility required. Deleting Part i is due to lack of justification of the timeframe chosen.
Recommended Modification 4 Policy HS2	In Policy HS2 <ul style="list-style-type: none"> • In the heading delete "Max" insert "Approximate"; and delete "houses" insert "dwellings"; and delete "15" after "Affordable homes" • Insert "approximately" before "37" • In a) delete "strengthening" insert "reinforcing" and insert "increasing the number of" before "trees" • In d) after "green space" insert "to a stated recognised standard of provision" • Delete part j 	The modification provides greater clarity and consistency with NPPF and will achieve the necessary flexibility required. Deleting Part j is due to lack of justification of the timeframe chosen.
Recommended Modification 5 Policy H2	In Policy H2 <ul style="list-style-type: none"> • In b) delete "controlled" insert "appropriate" • In h) delete "worthy" insert "capable" • Delete part k 	Modifications to add clarity and have regard for the presumption in favour of sustainable development. Deleting part 'k' The Neighbourhood Plan policy only permitting development on land which is within Flood Zone 1 is inconsistent with national policy.
Recommended Modification 6 Policy H3	In Policy H3 <ul style="list-style-type: none"> • After "sites of" delete "ten or more dwellings" and insert "11 new dwellings" 	Modification in respect of number of dwellings to reflect guidance.

	<p>or more or 1-10 new dwellings with a total gross floorspace of more than 1,000 sq m</p> <ul style="list-style-type: none"> • Delete “take into account” insert “demonstrate they meet” • Delete “normally” • Delete “up to” • And continue “unless viability considerations can be shown to necessitate an alternative percentage of provision” 	<p>The term “<i>should take into account local housing needs</i>” is imprecise and does not provide the guidance for decision makers required by paragraph 17 of the Framework.</p> <p>The policy includes the word “<i>normally</i>”. This does not provide sufficient clarity for decision makers as required by paragraph 17 of the Framework.</p>
Policy H4	No modification	This policy meets the basic conditions
<p>Recommended Modification 7</p> <p>Policy H5</p>	<p>In Policy H5</p> <ul style="list-style-type: none"> • Delete the introductory text and part a) and the list designation “b)”. • After “tenure types” insert “of affordable housing provision” 	<p>This policy presents an alternative wording to a matter dealt with in Policy H3. Therefore the modification recommends removing the overlap and achieving clarity for decision makers.</p>
Policy H6	No modification	This policy meets the basic conditions
Policy H7	No modification	This policy meets the basic conditions
Policy D1	No modification	This policy meets the basic conditions
Policy D2	No modification	This policy meets the basic conditions
<p>Recommended modification 8</p> <p>Policy SD1</p>	Delete Policy SD1	<p>The policy fails to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. This policy does not meet the basic conditions.</p>
<p>Recommended modification 9</p> <p>Policy SD2</p>	<p>In Policy SD2</p> <ul style="list-style-type: none"> • Delete “be resisted vigorously” insert “only be supported where it is clearly demonstrated they are no longer fit for purpose or viable, or that an equivalent alternative facility is available within the Parish” • Continue the final paragraph “subject to viability considerations as set out in paragraph 173 of the Framework.” 	<p>Modification to represent a balanced approach of the framework and to provide greater flexibility.</p>

Recommended modification 10 Policy ST1	In Policy ST1 <ul style="list-style-type: none"> • In d) after “developments but” insert “, subject to viability,” • In f) after “designed to” insert “not have adverse effect and subject to viability” 	To aid clarification within the policy and to ensure it is in line with the framework.
Policy SB1	No modification	This policy meets the basic conditions
Policy SB2	No modification	This policy meets the basic conditions
Policy SB3	No modification	This policy meets the basic conditions
Policy SB4	No modification	This policy meets the basic conditions
Policy SE1	No modification	This policy meets the basic conditions
Recommended modification 11 Policy SE2	In Policy SE2 <ul style="list-style-type: none"> • Delete a) • Replace b) with “Development proposals should demonstrate that negative impacts to the significance, including impacts to the setting, of heritage assets, including those listed in Appendix A, have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme is not justified by the public benefits that would be provided, it will not be supported.” 	<p>Criterion a) includes the term “surrounding countryside”. This element of the policy is not sufficiently precise to provide decision makers with a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. It is also not sufficiently aligned with national policy in relation to presumption in favour of sustainable development.</p> <p>The policy does not reflect the need to weigh the public benefit of schemes against unavoidable harm to the significance of heritage assets as set out in the Framework.</p>
Recommended modification 12 Policy SE3	Delineate the Local Green Space areas designated in Policy SE3 on the Weston under Penyard Village Policies Map	Given the significance of the designation of land as local green space it is important to have the precise area marked on a map.
Policy SE4	No modification	This policy meets the basic conditions
Policy SE5	No modification	This policy meets the basic conditions
Recommended modification 13 Policy SE6	In Policy SE6 delete part e)	Ensure consistency with national policy.

Recommended modification 14	Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies	To ensure clarity and consistency throughout the plan.
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